

Amendment and Response

Applicant: Jerry Rolia et al.

Serial No.: 10/698,769

Filed: October 31, 2003

Docket No.: 200300266-1

Title: METHOD AND SYSTEM FOR GOVERNING ACCESS TO COMPUTING UTILITIES

REMARKS

The following remarks are made in response to the Office Action mailed November 27, 2009. Claims 1-27 were rejected. With this Response, claims 1, 2, 14, 15 and 27 have been amended. Claims 1-27 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 14, and 27 under 35 U.S.C. § 102(e) as being anticipated by the Clohessy et al. U.S. Patent No. 7,334,228. The Clohessy et al. reference does not teach or suggest the claims as amended.

As amended, claim 1 includes unfolding the one or more demand cycles from the demand profile associated with the application into time slots requiring resources from the pool of resources. The Examiner has admitted, for example on the top of page 5 of the Office Action in reference to claims 1 and 15, that the Clohessy et al. reference fails to teach or suggest this feature. Since this feature is now added to each of the independent claims 1, 14 and 27, each are allowable over this reference.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection to the claims, and requests allowance of these claims.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 2, 5-6, 8-13, 15, 18-19, and 21-26 under 35 U.S.C. § 103(a) as being unpatentable over the Clohessy et al. U.S. Patent No. 7,334,228 in view of the Brelin U.S. Patent No. 6,647,448.

The Examiner rejected claims 3-4 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over the Clohessy et al. U.S. Patent No. 7,334,228 in view of the Brelin U.S. Patent No. 6,647,448 further in view of the Funke et al. U.S. Patent No. 5,845,201.

The Examiner rejected claims 7 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Clohessy et al. U.S. Patent No. 7,334,228 in view of the Brelin U.S. Patent No. 6,647,448 further in view of the Contestabile U.S. Patent No. 7,123,141.

The combination of the Clohessy et al., Brelin, Funke et al. and Contestabile references do not teach or suggest the claims as amended.

Amendment and Response

Applicant: Jerry Rolia et al.

Serial No.: 10/698,769

Filed: October 31, 2003

Docket No.: 200300266-1

Title: METHOD AND SYSTEM FOR GOVERNING ACCESS TO COMPUTING UTILITIES

As amended, claim 1 is a method of governing access to resources in a computing utility facility. The method provides a processor for receiving a demand profile associated with an application that identifies the resources required from a pool of resources in the computing utility facility during one or more demand cycles. The method admits an application to the computing utility facility if resources required for the application can be provided from the pool of resources in accordance with the demand profile and associated one or more demand cycles. The method assigns available resources from the pool of resources in response to a request from the applications admitted to the computing utility facility. Admitting the application further includes unfolding the one or more demand cycles from the demand profile associated with the application *into time slots requiring resources from the pool of resources*. The amount of resources required from the pool of resources by the application *varies across each of the time slots* such that *assignment of resources is tailored to varying demand across each of the time slots*. This is not taught or suggested in the art of record.

In Figure 2 and in the corresponding description in the specification, for example on page 8, it is illustrated that the demand profile varies across the time slots. For example, the demand profile illustrated in “demand profile A” in Figure 2 indicates that the demand for a resource pool X by the application is higher in the morning and afternoon time slots than in the mid-day slots (see, specification, paragraph [0020], lines 6-9). Assigning resources to respond to the varying demand across time slots is not taught or suggested in the art.

The Examiner cites to the Brelin reference (*see*, Office Action, second paragraph on page 5) for teaching unfolding of demand cycles into time slots. The Brelin reference, however, merely teaches generating and storing resource schedule entries to an AV/C resource schedule bulletin board. The reference teaches scheduling audio/video equipment for particular periods of time during which these “resources” are not available for other requests (see, e.g., column 7, lines 49-52). The scheduling of multiple requests for single “resources,” such as VCRs or the like, does not teach variable amount of resource demand across time slots. Either the audio/video equipment is being used or not being used over any number of time slots, there is no varying demand for the “resource” over the particular number of time slots. This feature of the claims is not taught or suggested in the Brelin reference.

Amendment and Response

Applicant: Jerry Rolia et al.

Serial No.: 10/698,769

Filed: October 31, 2003

Docket No.: 200300266-1

Title: METHOD AND SYSTEM FOR GOVERNING ACCESS TO COMPUTING UTILITIES

Because this feature is not taught in the art of record, and it is now an added feature in each of the amended independent claims, and thus the claims depending from them as well, these claims are now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and requests allowance of these claims.

Amendment and Response

Applicant: Jerry Rolia et al.

Serial No.: 10/698,769

Filed: October 31, 2003

Docket No.: 200300266-1

Title: METHOD AND SYSTEM FOR GOVERNING ACCESS TO COMPUTING UTILITIES

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-27 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-27 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Paul P. Kempf at Telephone No. (612) 767-2502, Facsimile No. (612) 573-2005.

Respectfully submitted,

Jerry Rolia et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC

Fifth Street Towers, Suite 2250

100 South Fifth Street

Minneapolis, MN 55402

Telephone: (612) 767-2502

Facsimile: (612) 573-2005

Date: February 26, 2010

PPK:cmj:mlm

/paulpkempf/

Paul P. Kempf

Reg. No. 39,727